

JUN 26 2007

REMARKS/ARGUMENTS

In the Non-Office Action mailed April 25, 2007 (the "Office Action"):

1. **Claims 1-70** are subject to restriction.
2. **Claims 10, 11, 33, 37, 40 and 41** are objected to under 37 CFR 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim.
3. **Claim 3** is rejected under 35 USC 112, 2nd paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. **Claims 1-25, 28-50 and 53-56** are rejected under 35 USC 101 as being directed to non-statutory subject matter.
5. **Claims 1-15, 17-23, 28, 29, 34, 38-50, 53-56** are rejected under 35 USC 102() as being anticipated by U.S. Application Pub. No. 2002/0087885 ("Peled").
6. **Claims 16, 24, 25, 30-33, 35-37, 44 and 48** are rejected under 35 USC 103(a) as being unpatentable over Peled in view of WO 02/082271 ("Schmelzer").

1. **Restriction/Election:**

Applicants hereby confirm the provisional election made by their undersigned attorney on 4/18/2007 in a telephone conversation with the Examiner to prosecute the invention of Species 1, Claims 1-25, 28-50, and 53-56. A listing of pending claims is provided herein with Claims 26-27 and 51-52 withdrawn, but entitled to consideration if all limitations of a generic claim upon which they depend is allowed. Claims 57-70 have been cancelled.

2. **Objection to Claims 10, 11, 33, 37, 40 and 41:**

The Office Action asserts that Claims 10 and 11 contain all the limitations and have the same scope as preceding Claim 9. However, applicants disagree because each of these claims modifies the search results in a different manner. Claim 9 claims a system wherein the central coordinating authority sends "an instruction to generate modified

search results by modifying at least a subset of references corresponding to the matches of the search results so as to point to one or more IP addresses that are invalid." On the other hand, Claim 10 claims a system wherein the central coordinating authority sends "an instruction to generate modified search results by modifying at least a subset of references corresponding to the matches of the search results so as to point to one or more IP addresses of nodes that do not have copies of the subset of references," and Claim 11 claims a system wherein the central coordinating authority sends "an instruction to generate modified search results by modifying at least a subset of references corresponding to the matches of the search results so as to point to one or more IP addresses of nodes that are not connected to the decentralized network." Accordingly, reconsideration of the objections to Claim 10 and 11 is respectfully requested.

The Office Action also asserts that Claim 33 contains all the limitations and has the same scope as preceding Claim 32. However, applicants disagree because the software agents receive supernode recognition differently in Claims 32 and 33. In Claim 32, the software agents receive supernode recognition directly by simply informing the decentralized network that they are supernodes, whereas in Claim 33, they receive such recognition indirectly by reporting to the decentralized network that they possess attributes that qualify them as supernodes under the protocol of the decentralized network. Accordingly, reconsideration of the objection to Claim 33 is respectfully requested.

The Office Action also asserts that Claim 37 contains all the limitations and has the same scope as preceding Claim 36. However, applicants disagree because Claims 36 and 37

respectively contain similar language as Claims 32 and 33, and therefore, are different for the same reasons as stated in reference to Claim 33 above. Accordingly, reconsideration of the objection to Claim 37 is respectfully requested.

The Office Action also asserts that Claims 40-41 contain all the limitations and have the same scope as preceding Claim 39. However, applicants disagree because Claims 30, 40 and 41 respectively contain similar language as Claims 9, 10 and 11, and therefore, are different for the same reasons as stated in reference to Claims 10 and 11 above.

Accordingly, reconsideration of the objections to Claims 40 and 41 is respectfully requested.

3. Rejection of Claim 3 under 35 USC 112, 2nd paragraph:

Claim 3 has been amended to delete the objected to term “made difficult”, and such amendment is believed to overcome the rejection of this claim under 35 USC 112, 2nd paragraph.

4. Rejection of Claims 1-25, 28-50 and 53-56 under 35 USC 101:

Claim 1 has been amended to claim a system comprising “one or more first computers having a plurality of software agents” and “one or more second computers having a query matcher”, and such amendments are believed to overcome the rejection of Claim 1 and its dependent Claims 2-5, 7-25, 28-33 under 35 USC 101 since they are now tied to articles of manufacture which result in a practical application producing a concrete, useful and tangible result.

Claim 6 has been amended so that the “one or more second computers” recited in Claim 1 further has a central coordinating authority as recited in Claim 6, and such amendment is believed to overcome the rejection of Claim 6 under 35 USC 101 since the central coordinating authority is now tied to an article of manufacture which results in a practical application producing a concrete, useful and tangible result.

Claim 34 has been amended to claim a method involving software agents “residing on one or more first computers”, a query matcher “residing on one or more second computers”, and transmission of information between the computers, and such amendments are believed to overcome the rejection of Claim 34 and its dependent Claims 35-50, 53-56 under 35 USC 101 since they are now tied to articles of manufacture which result in a practical application producing a concrete, useful and tangible result.

5. Rejection of Claims 1-15, 17-23, 28, 29, 34, 38-50, 53-56 under 35 USC 102:

Claim 1 claims a system comprising one or more first computers having a plurality of software agents masquerading as nodes in a decentralized network, and one or more second computers having a query matcher that receives search results from the plurality of software agents and reports matches of the search results with protected files back to the plurality of software agents so that the software agents can interdict unauthorized copying of the protected files in the decentralized network.

Thus, as recited in Claim 1, the software agents on one or more first computers implicitly capture search results and explicitly interdict unauthorized copying of the protected files

in the decentralized network, and the query matcher on one or more second computers implicitly identifies matches of protected files with references included in the search results and explicitly reports the matches back to the software agents.

Well accepted objects of a system include being resource efficient and cost effective. As claimed in Claim 1, the query matcher is shared with the plurality of software agents. This allows the one or more first computers (of the software agents) to be lower performing, lower cost computers since they do not have to perform the CPU intensive task of reference identification. It also allows the one or more second computers (of the query matcher) to be cost effectively, higher performing and higher cost computers because there does not have to be as many of them since only one shared query matcher is needed to support the software agents. Since there may be many software agents distributed over the decentralized network, it can be appreciated that distributing the capture and identification tasks in this way may result in significant cost savings. It is also likely to be more resource efficient since the higher performing/cost computers would be more fully utilized in such sharing mode.

In addition, the software agents in Claim 1 perform the dual tasks of capturing search results and interdicting unauthorized copying of protected files in the decentralized network. By performing both tasks, this reduces the number of software agents and correspondingly, the number of first computers required.

In contrast, Peled teaches surveillance elements which perform both search and identification functionality (see paragraphs [0008], [0096], [0109] for search type elements and paragraphs [0020], [0038], [0048] for intercept type elements), unlike applicants' Claim 1 which distributes these two functions between the software agents and a query matcher. Performing both functions in the surveillance elements may result in requiring the surveillance elements to be high performing, high cost computers, which may in turn, may result in significantly higher system costs if a large number of surveillance elements are required to adequately cover a decentralized network.

Further, interdiction of unauthorized copying is not performed by Peled's surveillance elements. Instead, separate attack or offensive elements are used in Peled for this purpose. See paragraphs [0050], [0096], [0104]. Accordingly, in Peled, search and interdiction functions are not performed by one entity – i.e., the software agents as claimed in applicants' Claim 1. This approach by Peled, however, may result in higher system costs.

Accordingly, Claim 1 is believed to be patentable under 35 USC 102 over Peled for the foregoing reasons.

Claims 2-15, 17-23, 28, 29 are also believed to be patentable under 35 USC 102 over Peled since they depend from Claim 1, and as such, are believed to be patentable for at least the same reasons as stated in reference to Claim 1. Further, Claims 8-16 and 28-29 refer to an interdiction technique involving the generation of modified search results

which are forwarded through the decentralized network, and such an interdiction technique is neither taught nor suggested by Peled.

Claim 34 is a method claim corresponding to the system claimed in Claim 1.

Accordingly, Claim 34 is also believed to be patentable under 35 USC 102 over Peled for the same reasons as stated in reference to Claim 1.

Claims 38-50, 53-56 are also believed to be patentable under 35 USC 102 over Peled since they depend from Claim 34, and as such, are believed to be patentable for at least the same reasons as stated in reference to Claim 34. Further, Claims 38-44 and 53-55 refer to an interdiction technique involving the generation of modified search results which are forwarded through the decentralized network, and such an interdiction technique is neither taught nor suggested by Peled.

6. Rejection of Claims 16, 24, 25, 30-33, 35-37, 44 and 48 under 35 USC 103(a):

Like Peled, Schmelzer also performs search results capture and identification in the same unit, i.e., the network appliance 104 as shown in FIG. 1.

Accordingly, Claims 16, 24, 25, 30-33 are believed to be patentable under 35 USC 103(a) over Peled in light of Schmelzer, since they depend from Claim 1, and neither reference teaches or suggests distributed capture and identification functionality as claimed in applicants' Claim 1.

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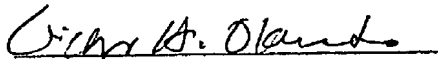
Similarly, Claims 35-37, 44, 48 are also believed to be patentable under 35 USC 103(a) over Peled in light of Schmelzer, since they depend from Claim 34, and neither reference teaches or suggests distributed capture and identification functionality as claimed in applicants' Claim 34.

Conclusion

Claims 1-25, 28-50 and 53-56 remain pending in the application. Claims 26-27 and 51-52 have been withdrawn from consideration. Claims 57-70 have been cancelled. Reconsideration of the rejections of the claims is requested for the reasons stated herein, and an early notice of their allowability earnestly solicited.

Respectfully submitted,

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